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August 20, 1999

Hand Delivered

Magalie Roman Salas, Secretary
Federal Communications Commission
445 Twelfth Street, S.W., TW-A325
Washington, D.C. 20554

Re: *Ex Parte* Presentation
Advanced E911 Coalition - CC Docket No. 94-102

Dear Ms. Salas:

This letter serves as notice that on Thursday, August 19, 1999, the individuals listed below met with Thomas Sugrue, Chief of the Wireless Telecommunications Bureau, and the following staff from the Wireless Bureau: John Schauble, Won Kim, Kris Monteith, Dan Grosh, and Martin Liebman, to discuss issues addressed in the attached *Ex Parte* Presentation:

Andy Rimkus, IDC
Ellen M. Kirk, SnapTrack
Doug Brandon, AT&T Wireless Services, Inc.
Pamela J. Riley, AirTouch Communications, Inc.
Craig Gilmore, Wilkinson Barker Knauer, LLP,
for AirTouch Communications, Inc.
Kathleen Abernathy, Wilkinson Barker Knauer, LLP,
for Advanced E911 Coalition

Pursuant to Section 1.1206(a), an original and one copy of this letter are being filed with your office. Please associate this letter with the file in the above-captioned proceeding.

Should you have any questions regarding this matter, please contact the undersigned.

Sincerely,

WILKINSON BARKER KNAUER, LLP

By: Kathleen Q. Abernathy
Counsel for Advanced E911 Coalition

Attachment

cc: Thomas Sugrue, Chief, Wireless Telecommunications Bureau
John Schauble, Acting Legal Advisor, Policy Division, Wireless Telecommunications Bureau
Won Kim, Attorney, Policy Division, Wireless Telecommunications Bureau
Kris Monteith, Chief, Policy Division, Wireless Telecommunications Bureau
Dan Grosh, Attorney, Policy Division, Wireless Telecommunications Bureau
Martin Liebman, Senior Engineer, Policy Division, Wireless Telecommunications Bureau

ADVANCED E9-1-1 COALITION

INTRODUCTION

- Members of the Advanced E9-1-1 Coalition include carriers, manufacturers and handset location providers. Our common goal is to ensure that carriers have the option to chose the most cost effective, technologically advanced, alternative to offer Phase II location capabilities to consumers.

- We are committed to the swift deployment of Phase II location capabilities and we have come together to craft a proposal that balances the needs of public safety, consumers, carriers and manufacturer.

- The coalition believes the FCC's June Technical Roundtable demonstrated that there is no "magic" solution able to guarantee that by October 1, 2001, every wireless customer will be located consistent with the FCC's Phase II requirements.

- While a network solution may lead to higher initial penetration numbers of Phase II locations for some air interfaces, a handset solution may be better suited for rural America, appears to offer greater opportunities for technological improvements, allows for greater accuracy, and likely creates fewer privacy concerns.

PROPOSAL

- Effective January 1, 2001, all carriers must report their proposed implementation schedule to the FCC.

- If a handset solution is chosen (either GPS or non-GPS based) carriers must, **within 18 months of the FCC adopting an Order, commence sales of Phase II location capable handsets** and within 24 months ensure that 50% of all new digital phone activations are Phase II location capable **(assuming handset availability).** In addition, within 36 months 95% of all new digital phone activations must be Phase II location capable **(assuming handset availability). Necessary network upgrades will be made upon receiving a PSAP request.**

- In 2002 the FCC will revisit this proceeding and solicit information from PSAPs and from wireless carriers to determine the extent of location capabilities across the country, to analyze the available technologies, and to determine whether additional regulatory requirements might be necessary to simulate further penetration.

August 1999 Radio Resource Magazine

RadioResource™ MAGAZINE

SYSTEM SOLUTIONS FOR MOBILE COMMUNICATIONS — AUGUST 1999

PUBLIC SAFETY REPORT

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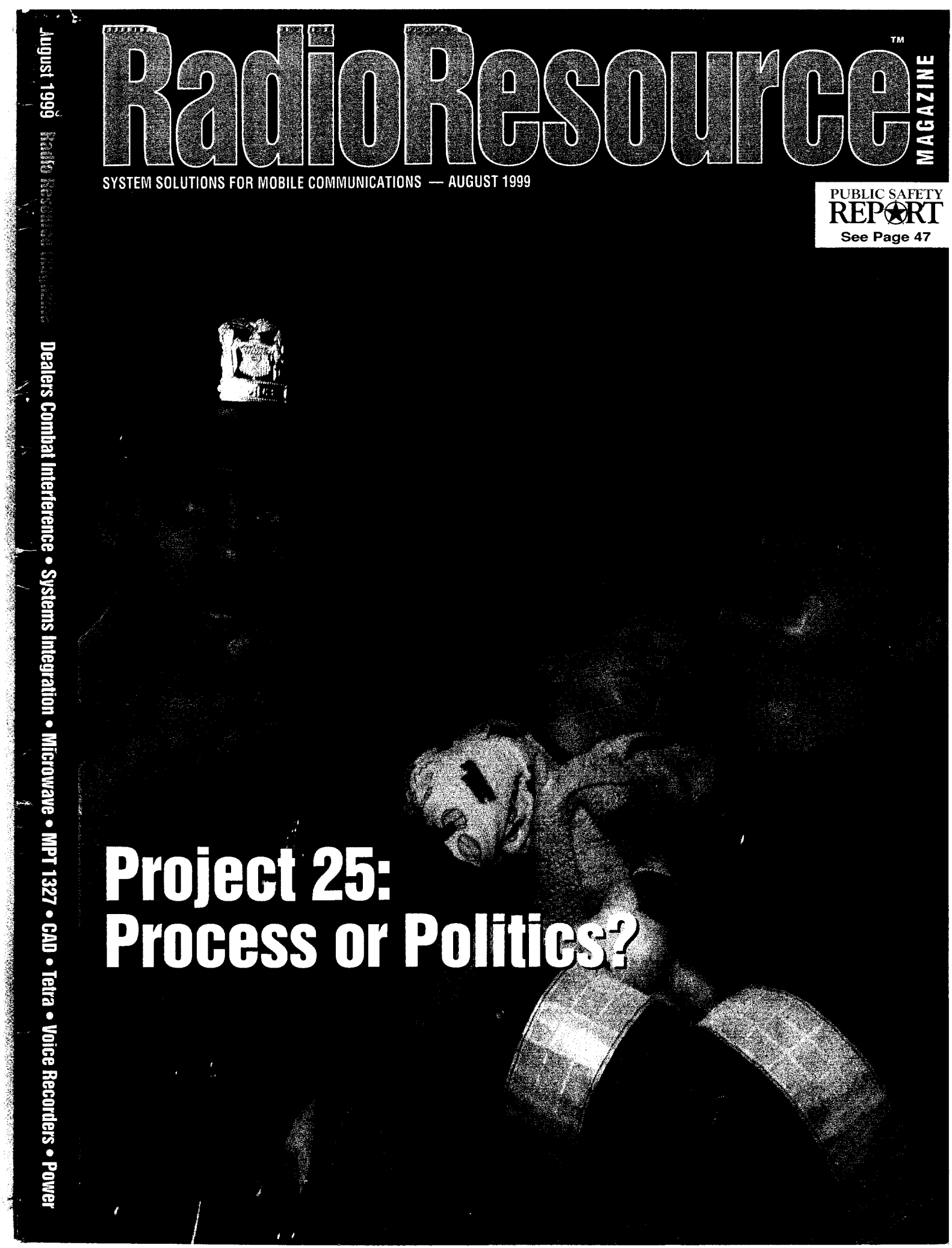
Dealers Combat Interference • Systems Integration • Microwave • MPT 1327 • CAD • Tetra • Voice Recorders • Power



Project 25: Process or Politics?

OUTLOOK

Wireless 9-1-1: Time For Reconsideration?

By Joe Hanna

Editor's Note: "Outlook" features editorial comments on issues that affect the future of mobile communications. The opinions expressed are those of the author.

During the last several months, the debate over wireless 9-1-1 has reached a fever pitch. After years of discussions, negotiations and high hopes, April 1, 1998—the deadline for Phase 1 of the consensus agreement reached between public safety and the wireless industry—has come and gone with little fanfare and fewer results. Even the most optimistic figures cited today reflect Phase 1 implementation in less than 3 percent of the public-safety answer points (PSAPs) throughout the United States. The natural reaction is an attempt to attach blame. Pointing fingers, however, will accomplish precious little in meeting primary goals—solving the implementation problem and saving lives.

After witnessing explosive growth of the wireless industry in the mid-1990s, public-safety officials astutely recognized the potential impact of this technology on PSAPs. The answer was simple: Make wireless 9-1-1 just like wireline 9-1-1. *Plant land mine No. 1*—a fundamental failure to recognize differences between the regulated wireline industry and the market-driven, nonregulated wireless industry.

Following two years of intensive and often contentious debate, a less-than-holy alliance was formed between public safety and the wireless industry. This alliance, now referred to as the "consensus agreement," was a classic shotgun wedding. Neither public safety nor the wireless industry was willing to deal with the unknown of an FCC rulemaking void of input from the two primary parties. In any contentious issue, consensus often equates to an acceptance of the lowest common denominator. *Plant land mine No. 2.*

Initial discussions and the resulting consensus agreement took place between the wireless industry and public-safety entities that would ultimately receive the enhanced 9-1-1 services. Nowhere in this process were wireline providers involved. Overlooking the role of the wireline provider as the link between the wireless caller and PSAPs caused *land mine No. 3.*

With honest desires to bring enhanced 9-1-1 services to the public and have some limited control over their own destiny, the consensus agreement was set in place with one major flaw—no incentives for completion. Today, that failure to provide a set of incentives has evolved into a major disincentive—*land mine No. 4.*

Implementation dates were established to bring enhanced 9-1-1 capabilities to wireless subscribers in a timely manner. Somewhere between the date of the consensus agreement and today, parties not deeply involved have come to believe that by some process, all wireless callers will be located under Phase 2 guidelines by Oct. 1, 2001. *Plant land mine No. 5.*

Most involved in the wireless 9-1-1 process understand the financial impact of automatic number identification (ANI) and automatic location identification (ALI) technologies. To that end, the consensus agreement resulted in a highly ambiguous cost-recovery concept. Quite simply, wireless carriers are required to implement Phase 1 and/or Phase 2 technology if the public-safety entity is capable of providing cost recovery to the carrier. In a process seldom seen anywhere else in a free market system, however, is the added factor that the public-safety entity, while required to pay for the requested ANI/ALI services, has no ability to determine the nature of the technology being implemented. *Plant land mine No. 6.*

A stroll through the wireless 9-1-1 arena has turned into a field of land mines. Some proclaim the process is working. These claims fly in the face of reality. Today, 23 states remain without a cost-recovery mechanism. One state witnessed the veto of cost-recovery legislation, with a similar veto threatened in another state. Numerous states have grossly inadequate cost-recovery mechanisms. As noted, only an estimated 3 percent of the nation implemented Phase 1 technology—a process originally proposed to be "almost free."

What is needed to bring wireless 9-1-1 to some reasonable level of parity with its wireline counterpart? ACTION. Unfortunately, the current situation does little to promote action. Without question, no responsible member of the public-safety community wants to consider any changes in the status quo that will delay implementation of life-saving technology. The fundamental reality, however, is that a de facto delay is already firmly entrenched within the boundaries of the current consensus agreement. Believing that adherence to the current consensus agreement will result in 100 percent of the nation being covered by Phase 2 technology by October 2001 is a repeat of the classic tale of the emperor's clothes. Recent action by the FCC, through the release of two public notices and a technology forum on location determination technology, points the way to this reassessment of the current state of stagnation and undelivered promises to the public.

This is not an issue of good vs. bad, right vs. wrong, or control. It is an issue of finding our way out of a field of land mines, and finding solutions to enable delivery of a critical and long overdue service to 70 million wireless subscribers who constitute up to one-third of the calls received daily by PSAPs.

Joe Hanna is president-elect of the Association of Public-Safety Communications Officials-International (APCO) and captain of the communications division of the Richardson (Texas) Police Department.